Appl. No. 10/040,270

Amdt. under Rule 312 dated July 30, 2007

Reply to Notice of Allowance dated May 8, 2007

## REMARKS

A review of the file for payment of the issue fee discovered that Fig. 12 includes two instances of reference numeral 1240; Fig. 17 includes two instances of reference numeral 1720; and Fig. 24 includes two instances of reference numeral 2420. Applicants have amended the specification so that the "end with failure" element in Fig. 12 has reference numeral 1245; "user data 10" element in Fig. 17 has reference numeral 1721; and "user data 10" element in Fig. 24 has reference numeral 2421. These amendments add clarity by giving each distinct element in the drawings a distinct reference numeral and so do not add new matter.

As noted above, the need for the amendments to the specification and the drawings was first discovered in a final review of the application for payment of the issue fee. The amendments are of a clerical nature and simply remove any possible ambiguity. The amendments do not require any substantive consideration by the Examiner and so entry of this paper is respectfully requested.

If the Examiner's action is other than entry of this paper, the Examiner is respectfully requested to telephone Applicant's attorney. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

**CERTIFICATE OF MAILING** 

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 30, 2007.

Attorney for Applicant(s)

July 30, 2007 Date of Signature Respectfully submitted,

Forrest Gunnison

Attorney for Applicant(s)

Reg. No. 32,899

Tel.: (831) 655-0880

GUNNISON, McKAY & HODGSON, L.L.P.
Garden West Office Plaza
1900 Garden Road, Suite 220
Monterey, CA 93940
(831) 655-0880
Fax (831) 655-0888